

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCIS DEVANDRA RAJ,
TIMOTHY WOO, and
JONATHAN VALENZUELA,

Defendants.

No. 05-00292C

STIPULATION AND ORDER
CONTINUING MOTIONS
FILING DEADLINE AND TRIAL
DATE

NOTE FOR MOTION:
September 22, 2005

Plaintiff United States of America and defendants FRANCIS DEVANDRA RAJ, TIMOTHY WOO, and JONATHAN VALENZUELA, by and through their respective undersigned counsel of record, hereby stipulate and agree to continue the motions filing deadline from September 22, 2005, to October 13, 2005, and the trial date from October 24, 2005 to October 31, 2005. This continuance is requested and required in the interest of justice for the following reasons.

This case involves the discovery of a tunnel beneath the international boundary between Canada and the United States in Lynden, Washington. During its investigation of the defendants, the government cooperated extensively with Canadian authorities. The defendants were arrested on or about July 20, 2005. Prior to the arrest of the defendants, the United States obtained two search warrants. The first was executed on July 2, 2005, and confirmed the existence of the tunnel. A second warrant was executed on or about July 7, 2005, which authorized the surreptitious placement of audio and video recording devices in the property. As a result of the second warrant authorizing

1 the recording devices, the government was able to obtain video and audio recordings of the
 2 defendants over a period of several weeks. These recordings have been copied onto a large number
 3 of DVDs, which were provided to defense counsel in August. The DVDs contain many hours of
 4 video surveillance that require a substantial amount of time to review. In addition, the logistics of
 5 reviewing this discovery with the defendants at the Sea-Tac Federal Detention Center further
 6 increases the amount of time required for full review of this discovery.

7 Due to the cooperation between Canadian and United States authorities, the parties
 8 anticipate receiving additional discovery from Canadian authorities, to be provided in the future.
 9 Additional time is needed for defense counsel to properly review these materials and for the
 10 provision of additional discovery.

11 This case also involves complex legal issues in light of the delayed notice warrants and Title
 12 III applications.

13 Accordingly, the parties request a continuance of the motions filing deadline from
 14 September 22, 2005, to October 13, 2005, and the trial date from October 24, 2005 to October 31,
 15 2005. There has been one prior continuance in this matter, which continued the trial date from
 16 September 26, 2005, to October 24, 2005. Defendants will file Waivers of Speedy Trial through
 17 November 28, 2005.

18 DATED this 22nd day of September, 2005.

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ORDER

Based upon the above stipulation of the parties, and for the reasons set forth therein, the Court finds that, pursuant to 18 U.S.C. § 3161(h)(8)(A), the ends of justice are served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial, and that the period of delay resulting from this continuance shall be excluded in computing the time within which the trial of this matter must commence. Accordingly,

1 IT IS HEREBY ORDERED that, subject to the defendants filing Waivers of Speedy Trial,
2 the motions filing deadline is continued from September 22, 2005, to October 13, 2005, and the trial
3 date from October 24, 2005 to October 31, 2005.

4 DATED this 30th day of September, 2005.
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10 UNITED STATES DISTRICT JUDGE
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